BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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In the Matter of	)
	)
Amendment of Part 74 of the	) MM Docket No. 93-24
Comission's Rules With Regard	)
to the Instructional Television	)
Fixed Service	)

To: The Commission

COMMENTS OF
PAUL JACKSON ENTERPRISES

Paul Jackson Enterprises ("PJE") hereby submits its comments in response to the Notice of Proposed Rulemaking in the captioned proceeding, released February 25, 1993. PJE is an applicant for new MMDS and commercial ITFS facilities for the purpose of establishing new wireless cable systems in various markets. For the reasons given below, PJE is concerned that the proposed filing window procedure will work to the disadvantage of legitimate wireless cable operators and developers, and should not be adopted.

PJE wholly concurs with the FCC's assessment that the present ITFS filing and processing procedures are anachronistic, given the relationships which the vast majority of educators establish with commercial wireless cable developers. The inordinate length of time which passes between the date a new ITFS application is filed and the date it finally comes off the "B list" -- a period which may be as long as ten to twelve months -- works a detriment to the public, the educational entity involved, and the wireless cable operator who is in desperate
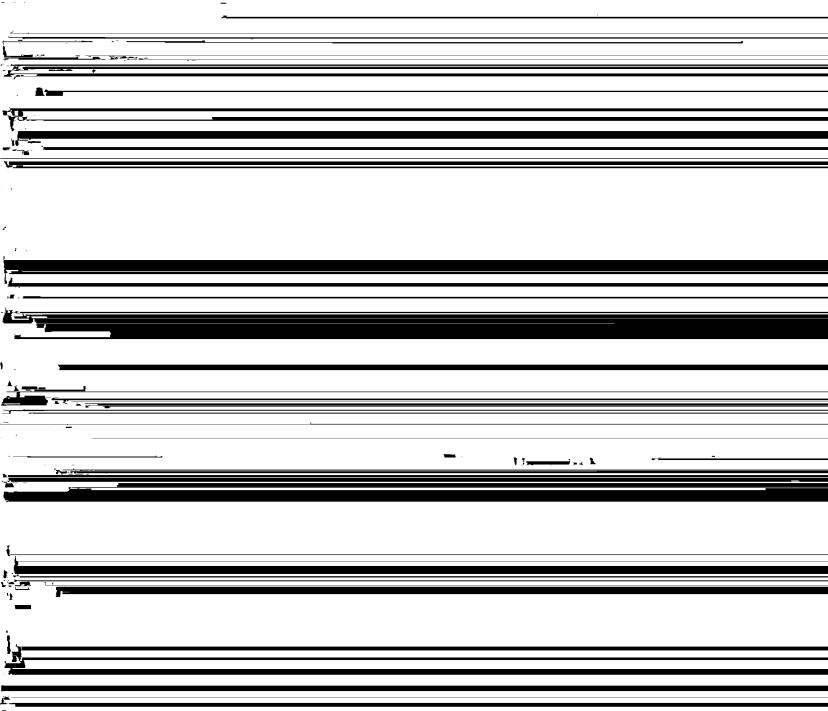
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need of channel capacity sufficient to sustain a new wireless system. We urge the Commission to adopt a procedure which will alleviate this problem.

We are concerned, however, that the filing window procedure proposed in the NPRM may not be the best solution. In this connection, it is imperative that the Commission realize, as the statistics cited in the NPRM indicate, that the dramatic increase in activity in the ITFS spectrum in recent years is the direct result of the initiatives of wireless cable developers. Were it not for wireless developers entering into excess airtime leases with local educators, to whom they typically make a significant financial commitment, literally hundreds of new application proposals of substantial benefit to local educators never would have been filed. For this reason, the Commission should fashion a procedure which adequately countenances the role of wireless cable developers in the overall scheme of ITFS licensing.

PJE's specific concern is that the window procedure proposed in the NPRM could, ironically, lead to the filing of applications by less than scrupulous filers who have no genuine desire either to benefit local educators or to promote the development of new wireless cable systems. Entities of this ilk could well plan to file applications in all markets for which the announced window will open, with no other purpose than to tie up the channels. A wireless cable entity with a genuine interest in developing one of those markets may not be prepared at that juncture, in the sense of having crystallized a development plan, to arrange for

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the filing of applications in furtherance of that plan. But the
one-time filing window would preclude the wireless cable
developer, one the bogus applicant were identified, from filing
against it.

To avoid this conundrum we recommend that the Commission
simply adopt the procedure effectively utilized in other services
by which, when an applicant files for a vacant channel group, its
application immediately is placed on public notice for thirty

lessee would be eligible under the commercial ITFS formula to apply for additional channels, the applications should be permitted.

PJE applauds the Commission for its desire to streamline processing and licensing of ITFS applications. We believe the recommendation offered herein will most effectively foster promote that objective.

Respectfully submitted,

PAUL JACKSON ENTERPRISES

By: _Ronald D. Maines_
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Maines & Harshman, Chrtd.